

ATTACHMENT TO CITIZEN'S COMPLAINT #1

CLAIMANT: HOMER HAWKINS, III

This Citizen's Complaint concerns violation of my rights to confidential legal communications and of my rights to postage and copying services for access to the Courts which occurred between June 2002 and June 2003 while I was an inmate at the Marin County Jail.

There should be no problem investigating these events as investigating files should already exist. A Claim and an additional Claim and Application to file a late Claim were filed with the Board of Supervisors on June 9, 2003, regarding these violations and presumably there is some investigative file. In addition, following the filing of the Claims, someone came to my cell and made photocopies of envelopes which had contained legal mail. The Claim and the Application for a Late Claim were ruled upon on July 17, 2003. The County Claim numbers are LO2-0073 and LO1-0110.

This Citizen's Complaint also references failure to process grievances, which violations are discussed in detail in a separate Citizen's Complaint, which is referenced as Citizen's Complaint #2.

WITNESSES

Occasionally, an envelope which was opened outside of my presence had a notation that the envelope had been previously opened and a badge number and/or initials. Sometimes I would also make a notation that the envelope had been opened prior to delivery and when I recognized the Deputy or could read the name plate of the person delivering the previously opened legal mail, I would sometimes include identifying information.

I assume that the Deputies who made these notations and who delivered the envelopes found that the envelopes had been opened by someone else before the Deputies picked up the envelopes for delivery to me.

The numbers and initials and the post mark or date on the envelopes are as follows:

KO #1462 Postmark 9-11-02 (Exhibit B)

TG 1575 12/31/02 2130 Postmark 12-30-02 (Exhibit C)

TG 1575 Postmark 3-3-03 (Exhibit E)

Deputy Floyd 5-2-02 (Exhibit G)

#1581 Postmark 5-20-03 (Exhibit N)

JK-1542 Postmark 5-29-03 (Exhibit P)

Deputy Andrews, who accompanied the employee with first name Gilda, on @June 4, 2003, when she stated that she had previously opened the envelope, would also be a witness.

All of the above individuals are witnesses to the fact that my legal mail was opened outside my presence before it was delivered to me.

NAME OR DESCRIPTION OF SHERIFF'S EMPLOYEE WHO IS THE SUBJECT OF COMPLAINT

Sheriff Robert Doyle, Jail Facility Administrator

Captain Dennis McQueeney, Jail Commander/Facility Manager

Due to their authority, Sheriff Doyle and Captain McQueeney are responsible for policies which violate my rights, such as the policy of filming attorney visits and of not providing photocopying of documents for court cases.

Sheriff Doyle and Captain McQueeney are also responsible for failing to insure that policies which are intended to protect inmate's rights, such as the policy of only opening confidential legal mail in the presence of the inmate and of providing indigent inmates with postage for legal mail, are followed.

Arueaka Duchasee (or Puchasee) SSA was identified in the response to the grievance of 1/8/03 as the employee who opened two envelopes from the Supreme Court outside my presence. (Exhibit D) The envelopes were postmarked December 30, 2002 (Exhibit C) and January 7, 2003.

A female employee, with the first name Gilda, and wearing a white uniform shirt, told me that she had opened an envelope from the U.S. District Court on @June 4, 2003 outside my presence. (Exhibit R)

I believe that on @June 4, 2003, this same employee named Gilda also opened outside my presence an envelope addressed to the Judicial Counsel, which was being returned for additional postage. (Exhibit S)

Deputy Kasanback failed to conduct an adequate investigation of my grievance dated May 29, 2003. (Exhibit Q)

I do not otherwise know the identity of the employees who opened other legal mail outside my presence.

When mail was opened outside of my presence, it was often slipped under my cell door in the evening. When Deputies did hand me previously opened envelopes, the Deputies name tags would often not be visible.

As my grievances were often referred to Prisoner Services, it is possible that employees in Prisoner Services opened the mail. (Exhibit H) The grievance of 1/8/03 makes a referral to "MRD on Duty." It is possible that "MRD on Duty" opened mail. The second level response to my Grievance of 1/8/03 identifies "SSA Arueaka Duchasee" as the person who opened two envelopes which contained Legal Mail. It is possible that other employees in "SSA" opened mail. I do not know what MRD or SSA mean. (Exhibit D)

My request for postage when I was indigent was sent to Prisoner Services and my grievance regarding this request was referred to Prisoner Services. (Exhibits T and U) It would appear that someone in Prisoner Services denied my request.

My request for copies was sent to Prisoner Services and my grievance regarding this was also referred to Prisoner Services. It would appear that someone in Prisoner Services denied my request. It looks like the initials "PK" may be on the denial of the copy request, but this is not clear. (Exhibits V and W)

Deputy Toipp or Tripp, # 1502: The response at the first level to my grievance regarding the filming of attorney client visits is signed "Dep. Toipp or Tripp #1502." This Deputy sanctioned the use of cameras during attorney visits.

NARRATIVE (Describe Misconduct)

1. Repeated Opening of mail from Courts, Attorneys, and Public Offices outside of my presence and prior to delivery to me.

Title 15 California Code of Regulations section 1063(c) provides as follows: "inmates may correspond, confidentially, with state and federal courts, any member of the State Bar or holder of public office, and the State Board of Corrections; however, jail authorities *may open and inspect such mail only* to search for contraband, cash, checks or money orders and *in the presence of the inmate;*" (emphasis added)

Marin County employees at the Jail repeatedly opened mail addressed to me from state and federal courts, members of the State Bar, and public offices outside of my presence.

(1) A large brown envelope, postmarked June 12, 2002, with the clearly printed return address of the Marin County Superior Court, and containing legal mail had been opened using some type of sharp opener, before it was brought to me by a Deputy.¹ A copy of the envelope is attached as Exhibit A.²

(2) A large brown envelope, postmarked September 11, 2002, with the clearly printed return address of the Supreme Court of California, and containing legal mail had been

¹ This was included in a separate Claim filed on June 9, 2003, with an Application for Leave to File a Late Claim.

² When someone came and copied the envelopes the person gave me a set of the copies. The attached copies are photocopies of that set of copies.

opened using some type of sharp opener, before it was brought to me by a Deputy.³ There is a notation that "It opened prevs. Not front of Inmate Hawkins on 9/12/02 KO #1462" A copy of the envelope is attached as Exhibit B.

(3) A large brown envelope, postmarked December 30, 2002, with the clearly printed return address of the Supreme Court of California, and containing legal mail had been opened using some type of sharp opener, before it was brought to me by a Deputy. The envelope includes the following notation: "1575 12/31/02 2130 Was Previously Opened." A copy of the envelope is attached as Exhibit C.

(4) A large brown envelope, postmarked January 7, 2003, with the clearly printed return address of the Supreme Court of California, and containing legal mail had been opened using some type of sharp opener, before it was brought to me by a Deputy.

Following the third and fourth violation, I filed a grievance regarding the opening of the envelopes of December 30, 2002 and January 7, 2003. A copy of the grievance is attached as Exhibit D. It was acknowledged that both envelopes were from the Supreme Court and should not have been opened. It was represented that the person who had opened the envelopes, SSA Areuaka Duchasee, had been advised of the proper procedure.

One would have assumed from this that this violation would not reoccur. This was not however the case. There were 13 more violations. I filed additional grievances, which were not processed as required by Title 15, section 1973.

(5) A large brown envelope, postmarked March 3, 2003, with the clearly printed return address of the Supreme Court of California, and containing legal mail had been opened using some type of sharp opener, before it was brought to me by a Deputy. The envelope includes the following notation: "Was previously opened. TG 1575" A copy of the envelope is attached as Exhibit E.

(6) A large brown envelope, postmarked April 18, 2003, with the clearly printed return address of the United States Supreme Court, and containing legal mail had been opened using some type of sharp opener, before it was slipped under my door on @May 2, 2003. A copy of the envelope is attached as Exhibit F.

(7) A large brown envelope, postmarked May 2, 2003, with the clearly printed return address of the United States Supreme Court, and containing legal mail had been opened using some type of sharp opener, before it was brought to me by a Deputy. The set of photocopies includes one page with the notation: "On May 2, 2003, officer 'Floyd' gave 'legal mail' that was open." A copy is attached as Exhibit G.

On May 4, 2003, I filed another grievance regarding the opening of my legal mail of June 12, 2002, December 31, 2002, January 7, 2003, March 3, 2003, and May 2, 2003, outside

³ This was also included in the separate Claim filed on June 9, 2003 with the Application for Leave to File a Late Claim.

of my presence. On May 4, 2003, the first level response was "Forward to Prisoner Services." (A copy is attached as Exhibit H.) As of the end of May, I had received no other response, and there had been 8 violations during the rest of May. I never received a final level response to my grievance of May 4, 2003.

(8) A white envelope, postmarked May 7, 2003, with the clearly printed return address of the California State Board of Control, and containing legal forms for filing a Claim, had been opened by ripping off the front of the envelope, before it was brought to me by a Deputy. A copy of the envelope is attached as Exhibit I.

(9) A white envelope, which had been hand delivered to the Jail, on May 9, 2003, with the clearly printed return address of Legal Aid of Marin, and marked "Confidential-Legal Mail" on the front, and containing legal mail had been opened using some type of sharp opener before it was delivered by the Deputy, on @ the same date item 8 was delivered. There is a notation that "was open on previously May 9, 2003." A copy of the envelope is attached as Exhibit J.

(10) A large brown envelope, which had been hand delivered to the Jail, with the clearly printed return address of Legal Aid of Marin, and marked Legal Mail Confidential on the front and Confidential on the back, and containing legal mail had been opened using some type of sharp opener before it was brought to me by a Deputy on @ May 20, 2003. There is a notation that "was open on Previously May 20, 2003." A copy of the envelope is attached as Exhibit K.

(11) A small brown envelope, which had come through the County system, clearly stamped in the upper left "Marin County Superior Court", and containing legal mail, had been opened before it was brought to me by a Deputy on @May 20, 2003. A copy of the envelope is attached as Exhibit L

(12) A large brown envelope, postmarked May 20, 2003, with the clearly printed return address of the United States District Court for the Northern District of California, and containing legal mail, had been opened using some type of sharp opener before it was brought to me by a Deputy. The envelope did not contain a page which was indicated should have been in the envelope. A copy of the envelope is attached as Exhibit M.

(13) A large brown envelope, postmarked May 20, 2003, with the clearly printed return address of the Marin county Superior Court, marked "Legal" on the front, and containing legal mail, had been opened using some type of sharp opener before it was delivered by the Deputy. The Deputy delivering the envelope wrote the following notation: "5/21/03 Prev. Opened # 1581" A copy of the envelope is attached as Exhibit N.

(14) A large brown envelope, which was postmarked May 22, 2003, with the clearly printed return address of the Supreme Court of California, and containing legal mail, had been opened using some type of sharp opener before it was delivered by the Deputy. There is a notation that "This mail was open again on May 23, 2003." A copy of the envelope is attached as Exhibit O.

(15) A white envelope, which was postmarked May 29, 2003, with the clearly printed return address of the State Board of Control, Government Claims Division, and containing legal mail, had been ripped open before it was delivered to me. The Deputy who delivered the envelope had written the following notation on the envelope: "Previously Opened 6/3/03 JK-1542." A copy of the envelope is attached as Exhibit P.

On May 29, 2003, I filed another grievance regarding the opening of my legal mail of May 7, 2003, May 20, 2003, May 20, 2003, and May 22, 2003, outside of my presence. The response at the first level was a statement as to what was supposed to be the policy, namely that legal mail only be opened in the presence of the inmate, and an assumption that it was being followed, when in actual fact it was being repeatedly violated. A copy is attached as Exhibit Q. Deputy Kansanback, the first level reviewer, failed to conduct an adequate investigation of my grievance.

(16) On @ June 4, 2003, a brown envelope, with the clearly printed return address of the United States District Court, and containing legal mail, had been previously opened before it was delivered to me. The envelope was delivered by Deputy Andrews and a female employee of the Sheriff's Department, dressed in a white uniform shirt, with the first name of Gilda. Gilda informed me that she had opened the envelope. There is a notation "Open Mail By Mrs. Gilda June 4, 2003 a.m. 11:30" A copy of the envelope is attached as Exhibit R.

(17) On @ June 4, 2003, a white envelope, which I had addressed to the Judicial Counsel, Supreme Court of California, and which was postmarked May 30, 2003, and which was marked "Legal Mail Confidential" on the envelope, and which was being returned for additional postage, had been previously opened before it was delivered to me. There is a notation "was open on June 4, 2003 by GILDA" A copy of the envelope is attached as Exhibit S.

When mail is sorted and legal mail is placed with non-legal mail which is to be opened and screened, that legal mail may take longer to reach an inmate than legal mail which is properly taken directly to the inmate without prior opening.

A paper which should have been in one of the envelopes which was opened outside my presence was not included and I had to write back to the court for it.

Deputies had twice thrown my legal papers all over the cell during searches.

I have lost my right to privacy as to the contents of all of the envelopes which were opened outside of my presence. I have no idea how this information may be used.

2. Denial of right to unlimited mail to the courts.

Title 15 California Administrative Code section 1063(e) provides as follows: “those inmates who are without funds shall be permitted at least two postage-free letters each week to permit correspondence with family members and friends *but without limitation on the number of postage free letters to his or her attorney and to the courts.*” (emphasis added) Title 15 California Administrative Code section 1068(a) provides that access to courts and counsel shall include “*unlimited mail* as provided in section 1063...” (emphasis added)

I twice sent a written request to Prisoner Services for help to mail two legal mail envelopes, as I did not have any funds in my account. One of the envelopes was to the Clerk of the United States Supreme Court, and was in response to a letter I had received from the Clerk. The second was to the Clerk of the United States Supreme Court and was for the Solicitor General. Prisoner Service refused to mail these envelopes. A copy of the request of May 2, 2003 is attached as Exhibit T. On May 9, 2003, I filed an inmate grievance. On May 9, 2003, the grievance was referred to Prisoner Service. A copy is attached as Exhibit U. I never received a final level response to this grievance of May 9, 2003. I was not able to mail these envelopes until I received some funds in my account.

I sent a request to Prisoners Services in late April or early May 2003 for photocopies of papers following a letter from the Clerk of the United States Supreme Court, and I related that I was indigent. Prisoner Services replied that they did not Xerox. A copy of the request and response is attached as Exhibit V.

On 5-17-03, I filed a grievance. Once again, it was referred to Prisoner Services and once again, as of the end of May, there was no response. A copy of the grievance is attached as Exhibit W.

3. Denial of Confidential Communication with my Defense Attorney.

Title 15 California Administrative Code section 1068(b) provides that access to courts and counsel shall include “*confidential* communication with attorneys.” (emphasis added)

The attorney visiting rooms at the Jail contain cameras. I believe that this camera was running while I was meeting with an attorney about my criminal case. I filed a grievance and the response by Deputy Tripp or Toipp #1502 acknowledged that the cameras were used for attorney client visits. A copy is attached as Exhibit X.

The camera allows Jail personnel access to confidential communications.

During my visit with my criminal defense attorney, my attorney had spread out papers, face up on the counter, so that I could look at them. I also had spread out papers, face up on my side of the counter, so that my attorney could look at these. The filming violated my right to confidential communication with my attorney.

It is a common practice on the part of attorneys and inmates to review documents at visits. Attorneys frequently hold documents up to the glass so that the inmate can read

them slowly and carefully. These documents can be easily filmed. Diagrams of a scene could be easily filmed. An attorney's statement could be deciphered by reviewing the film. If the attorney asks the client to demonstrate certain movements, these will be clearly recorded on film. The status of the defense can be evaluated by the demeanor of the client and the attorney. Actions speak louder than words. The existence of these cameras compromises the ability of attorney and client to confidentially convey information critical to the case.

When I visited with attorneys, someone might have been filming and/or watching our consultation.

This installed video system was also equipped for audio recording. This had a further chilling effect on the communication between attorney and client.

The filming of attorney client visits serves no safety or security purpose. Contrary to what is stated in the response to my grievance, the filming of attorney client visits is not necessary in order to monitor an inmate's behavior and it is not necessary for knowing when the visit is over.

The inmate and the attorney are in separate rooms. They can view each other only through a heavy piece of glass. The pass through for documents is padlocked and can only be opened by a Deputy. The door to the inmate side can be locked from a central control in the pod. The inmate cannot leave and enter the pod until the Deputy releases the locking mechanism. The door between the inmate side and the pod has a glass window. If a Deputy comes and looks through the window, the attorney can see the Deputy. The attorney can cover confidential documents and wait to resume consultations until the Deputy moves away from the window. The attorney can leave the attorney side at any time. The attorney can use a phone, which is outside the visiting room and which directly connects to visiting, to state that the visit is over. The inmate can press a buzzer on the inmate side to let the Deputy know the visit is over.

4. Failure to Process Grievances

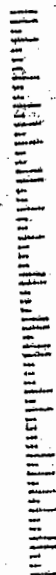
This was addressed in more detail in another Claim which was filed with the Board of Supervisors on November 24, 2003 and it is addressed in another Citizen's Complaint which is referred to as Citizen's Complaint #2.

EXHIBIT A

Marin County Superior Court
P. O. Box 4988
San Rafael, California 94913-4988

LEGAL MAIL	
MUST BE OPENED IN PRESENCE OF INMATE	
DUTY MAKING DELIVERY: _____	
AGE #:	DATE: _____
"THIS ITEM WAS OPENED IN MY PRESENCE"	
INMATE SIGNATURE/PIN# _____	

9456813309 66



(1)
X-7



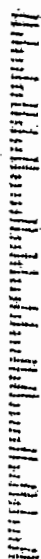
EXHIBIT B

Clerk of the Court
350 McAllister Street
San Francisco, CA 94102-4797

IT OPENED PRES.
NOT FRANT OF INMATE
HAWKINS 9/12/02
KO#1462

S109116
HOMER EARL HAWKINS C-55875
Marin County Jail - POD-C = 0125988
13 Peter Behr Drive
San Rafael, CA 94903

94903+5216



(2)
X-7

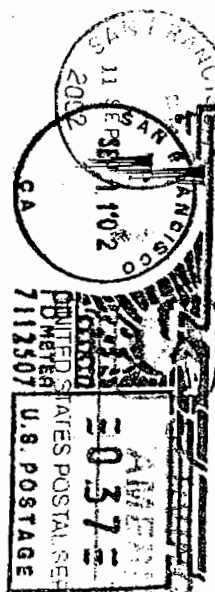
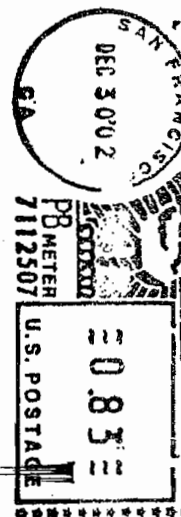


EXHIBIT C

SUPREME COURT
STATE OF CALIFORNIA
McALLISTER STREET
SAN FRANCISCO, CA 94102-3600

F

HOMER HAWKINS



1575 12/31/02 2130
WAS PREVIOUSLY OPENED.

EXHIBIT D

JAIL
DIVISIONMARIN COUNTY SHERIFF'S DEPARTMENT
PRISONER GRIEVANCE

Prisoner's Name Homer HAWKINS (3.) Bkg. # 22 Housing Pod-A
 Received From Prisoner: Day WED Date 1/8/03 Time 1725 Deputy ALLEN 1582 Team D

Details of Grievance (Do not write on backside) The reason I am filing this grievance form is because my legal firm (SUPREME COURT), have been Open "TWO" time on different date "ONE ON Dec. 31 2002" and "Two on Jan. 7, 2003"; I would like to know why is my legal Mail is being open without me at "PRESENCE".

(Do not write below this line)

If you do not receive a reply within seven days, direct a letter to the JAIL COMMANDER, MARIN COUNTY JAIL, Civic Center San Rafael, CA 94903

Response Line Officer: Name ALLEN 1582 Team D Date 1/8/03

ON 1/7/03 I RECEIVED A STACK OF PAPERS WRAPPED WITH A RUBBER BAND, WITH A "POST-IT" LABELLED "HOMER HAWKINS." THIS BUNDLE WAS NOT IN AN ENVELOPE WHEN I PICKED IT UP IN POD-A'S MAIL TRAY IN THE HOUSING SERGEANT'S OFFICE ON 1/7/03. REFER TO PRISONER SERVICES OR MRD ON DUTY.

Response Shift Sgt.: Name Fley K394 Team C Date 1-9-03

SSA ARUEAKA PUCHASEE ACCIDENTALLY OPENED TWO ENVELOPES TO HAWKINS SENT FROM THE SUPREME COURT. SHE DID NOT REALIZE IT WAS LEGAL MAIL. IT ONLY HAD REQUIRES RETURN ADDRESS SUPREME COURT. SHE WAS ADVISED AND WILL BE MORE CAREFUL IN THE FUTURE.

Response Jail Cmdr. (Final Disposition) MAIL opened in error. HAS been Addressed. NFA

Facility Commander RA 1A32 Date 1-10-02

Distribution:
White - Admin

Canary - Prisoner (Final Disposition)

Pink - Prisoner (Initial Receipt)

EXHIBIT E

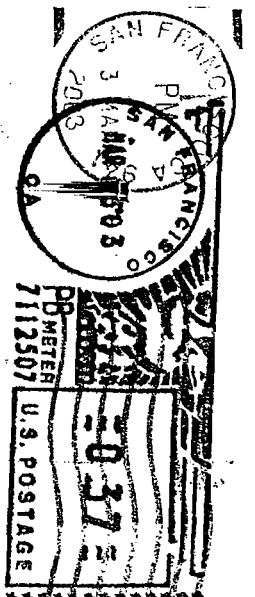
Clerk of the Court
350 McAllister Street
San Francisco, CA 94102-4797

5

34303+3216 36

[illegible]

(5) A/C



WAS
PREVIOUSLY
TG 1575
OPENED

EXHIBIT F

OFFICE OF THE CLERK
U.S. COURT OF THE UNITED STATES
WASHINGTON, D.C. 20543-0001

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE \$300

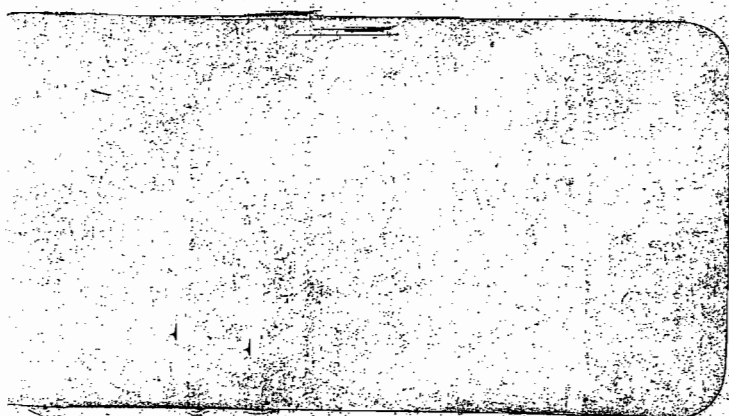
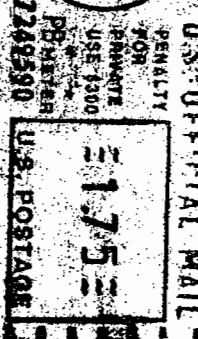


EXHIBIT G

7
Thomson
Flawkins

DS-2

ON May 2, 2003
Officer "Floyd"
gave "LEGAL MAIL" that
was open

James Stewart

EXHIBIT H

JAIL
DIVISIONMARIN COUNTY SHERIFF'S DEPARTMENT
PRISONER GRIEVANCE

Prisoner's Name HOMER HAWKINS Bkg. # lock down # 12 Housing D/S
 Received From Prisoner: Day SUN Date 5/4 Time 0540 Deputy VANDERLIN Team A

Details of Grievance (Do not write on backside) Once again I have to write up a
GRIEVANCE about my "LEGAL MAIL" being "OPEN". Not only once,
 but "FOUR" times. The first violation was on date (JUNE 12, 2002); The
 second violation was on date (SEPTEMBER 11, 2002); The third violation was
 on date (DECEMBER 31, 2002); The fifth violation was on date (January 7,
 2003) when I wrote the [First Grievance]; The sixth violation was on date
 (March 3, 2003); And the seventh last time was on date (May 2, 2003);
 And all mail "legal" must be opened in [PRESENCE OF INMATES] or it a
 "Federal" violation. I Mail Room do not care about this Law!

(Do not write below this line)

If you do not receive a reply within seven days, direct a letter to the JAIL COMMANDER, MARIN
 COUNTY JAIL, Civic Center San Rafael, CA 94903

Response
 Line Officer: Name ~~FORN~~ VANDERLIN Team A Date 5/4/03
FORWARD TO PRISONER SERVICES.

Response
 Shift Sgt.: Name _____ Team _____ Date _____

Requires
 Response: _____ Classification _____ Medical _____ Food Services _____ Other: _____

Response
 Jail Cmdr. (Final Disposition) _____

Facility Commander _____ Date _____

Distribution:

White - Admin

Canary - Prisoner (Final Disposition)

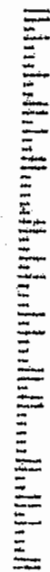
Pink - Prisoner (Initial Receipt)

EXHIBIT I

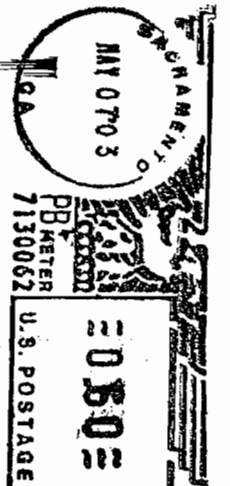
Handwritten: *Handwritten signature*
LD

STATE OF CALIF. BOARD OF CONTROL
GOVT CLAIMS DIV.
PO BOX 3035
SACRAMENTO CA 95812-3035

34903+3216 36



(8)
24



ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-11-2007 BY 60322
UCBAW/STP/STP/STP/STP/STP

EXHIBIT J

Jean Bordon
LEGAL AID OF MARIN
30 North San Pedro Rd.
Suite 140
San Rafael, CA 94903

Homer Hawkins
Marin County Jail
13 Peter Behr Way
San Rafael, CA 94903

LEGAL MAIL-CONFIDENTIAL

1 A5

(9)
24-

WAS OPEN ON PREVIOUSLY
MAY 9, 2003. Offense Offense

EXHIBIT K

iean Bordon

CALIF. OF THE NORTH BAY
North San Pedro Road
Itz 220

Palmdale CA 94903

Legal Mail -
CONFIDENTIAL

Homer Hawkins
Marin County Jail

1 A/5

Was open on
Previously
May 20, 2003,
Homer Hankins

EXHIBIT L

June 1/1908
A. W. 6125988
Machin Grand A.C.

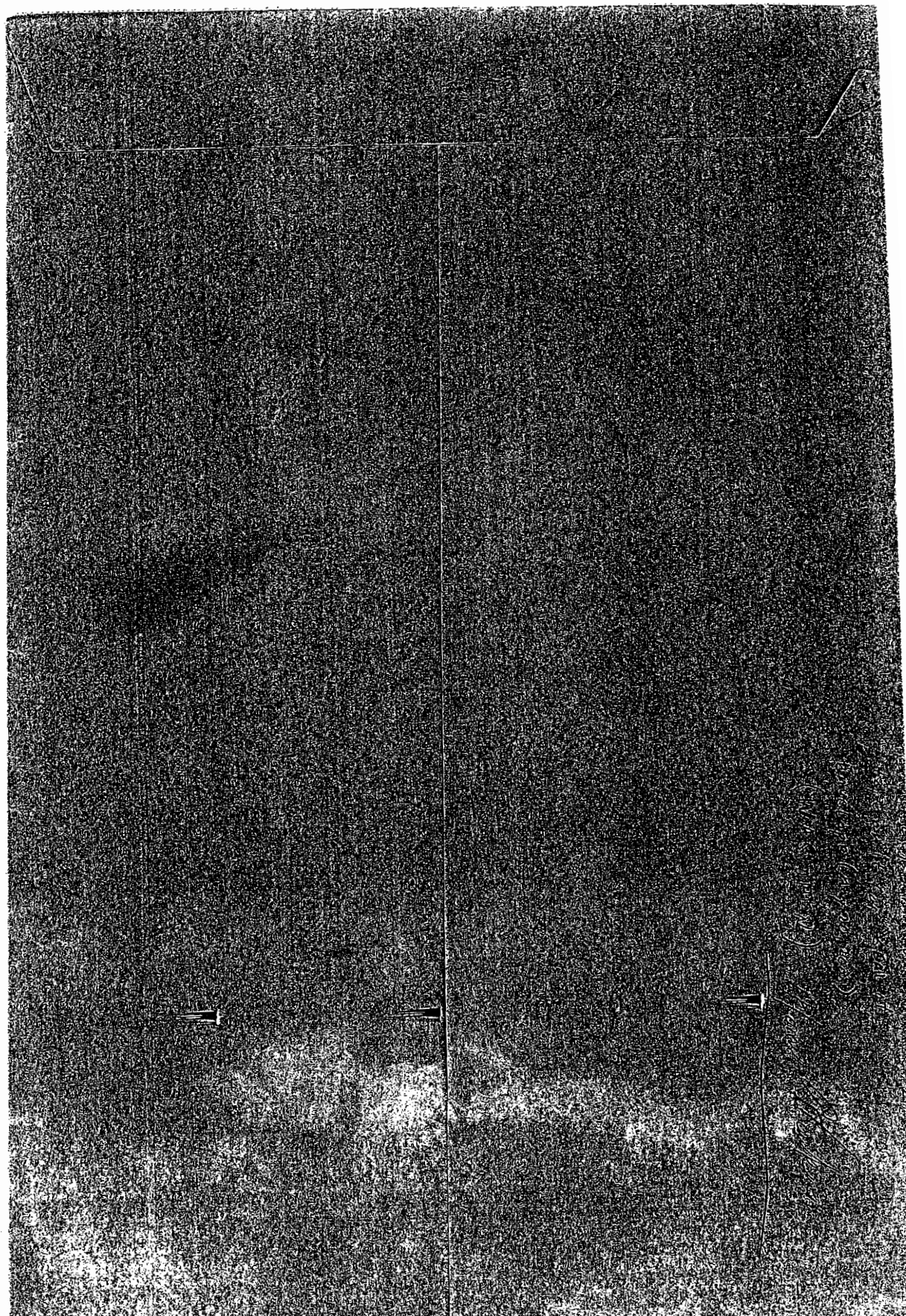


EXHIBIT M

F THE CLERK, U.S. DISTRICT COURT
HERN DISTRICT OF CALIFORNIA
450 GOLDEN GATE AVENUE
FRANCISCO, CALIFORNIA 94102

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE \$300



U.S. POSTAGE
00.83:
H METER 713549

Horner E. Hankins
Marin County Jail
6125988
13 Peter Behr Dr
San Rafael Ca 94903

LE6AC

Not Noted
Good

7
AF
10
10

EXHIBIT N

AX (11)

#1581
REV. 1/30
05/21/05
OPENED

EXHIBIT O

Supreme Court of California

Clerk of the Court

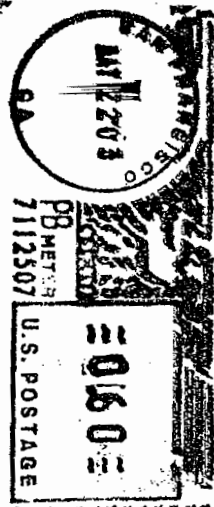
350 McAllister Street

San Francisco, CA 94102-4797

*Not Mailed
Certified*

LD

S112568
HOMER E. HAWKINS #0125988
Marin County Jail, 13 Peter Behr Dr.
San Rafael, CA 94903



(14)
98.

ad. 9/4
This mail was open
again on May 23, 2003

EXHIBIT P

15

PREVIOUSLY
RECEIVED
6/3/03
SK-1542

STATE OF CALIF. BOARD OF CONTROL
GOVT CLAIMS DIV.
PO BOX 3036
SACRAMENTO CA 95812-3036

94903+5216 96

|||||

(15)
X2

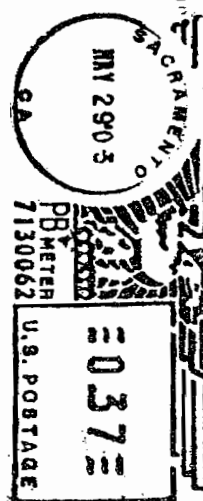




EXHIBIT Q

JAIL
DIVISIONMARIN COUNTY SHERIFF'S DEPARTMENT
PRISONER GRIEVANCE

Prisoner's Name	HOMER E. HAWKINS		Bkg. #	A/S 1	Housing	A/S 1
Received From Prisoner:	Day	THURS	Date	5/29/03	Time	0840
	Deputy	KANSAUBACK Team C				

Details of Grievance (Do not write on backside) Once again I have to file a grievance about my legal mail being "OPEN". On May 7, 2003 State Board of Control mail was open"; "On May 20, 2003 Legal Aid of Marin mail was open"; "On May 20, 2003 Marin County Superior Court Mail was open"; On May 22, 2003 Supreme Court of California Mail was open"; And now the NORTHERN U. S. DISTRICT COURT (May 20, 2003) was Open to:

And all mail "LEGAL MAIL" must be opened in the [PRESENCE OF INMATES] or it a "FEDERAL VIOLATION" and the mail Room must dont care about the law. [In re Short (1976) 55 Cal. App. 3d 268, 272, 127 Cal. Rptr. 497] (California Constitution [Cal. Const., art. I, §17]):

(Do not write below this line)

If you do not receive a reply within seven days, direct a letter to the JAIL COMMANDER, MARIN COUNTY JAIL, Civic Center San Rafael, CA 94903

Response Line Officer: Name DEPUTY KANSAUBACK Team C Date 5/29/03

MARIN COUNTY JAIL POLICY ON LEGAL MAIL IS TO OPEN IN THE PRESENCE OF THE INMATE. MY PERSONAL KNOWLEDGE ALL DEPUTIES FOLLOW COUNTY POLICY.

Response Shift Sgt.: Name J. NIESS X377 Team C Date 5/29/03

A NOTICE WAS SENT TO ALL DEPUTIES REGARDING LEGAL MAIL.

Requires Response: ☐ Classification ☐ Medical ☐ Food Services ☐ Other:

Response Legal MAIL MAY be opened by A DEPUTY ONLY IN THE PRESENCE OF THE INMATE TO check FOR CONTRABAND. NOT to be Read by The Deputy.

Jail Cmdr. (Final Disposition) 1A72 Facility Commander 1A72 Date 5-30-03

Distribution:

White - Admin

Canary - Prisoner (Final Disposition)

Pink - Prisoner (Initial Receipt)

EXHIBIT R

OFFICE OF THE CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
450 GOLDEN GATE AVENUE
SAN FRANCISCO, CALIFORNIA 94102

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE \$300

17

James C. Thurston

Marion County Jail

Star #07205988

13 Peter Behrman

San Jose Ca 95133

OPEN MAIL BY Mrs. GILL DA
June 4, 2003 A.M. 11:30

EXHIBIT S

Marin County Jail-lar 0125489
13 Peter Behr, Dr.
San Rafael, Calif.
zip - 94903

IN COUNTY JAIL
THIS MAIL
not from an inmate at the
County Jail, 13 Peter Behr
San Rafael CA 94903. The
have not been read and the
not responsible for its

LEGAL MAIL-CONFIDENTIAL

SENDER: Remove label, affix correct postage and remail.

RETURNED TO SENDER

Postage \$

46

ATTN:

JUDICIAL COUNCIL

THE SUPREME COURT OF THE

STATE OF CALIFORNIA

350 McALLISTER STREET

SAN FRANCISCO, CALIF.

zip - 94102-3600

ORTH DAY
MAY

DS 5

WAS OPEN ON
JUNE 4, 2003
BY GILDA

Norma Martinez


 THIS ENVELOPE IS RECYCLABLE AND MADE WITH 100%
RECYCLED PAPER, 30% POST-CONSUMER CONTENT

EXHIBIT T

MARIN COUNTY JAIL

Inmate Request Form

Route to: (check one or use blank space to write in their name)

1. Housing Sergeant
2. Prisoner Services
3. Probation
4. Education

5. Booking Sergeant
6. Inmate Programs
7. Public Defender
8. (other)

From: Homer HawkinsLAR #: 0125988Pod & Bed # or (Cell #) Lock down # 12Dated: 5-2-03

I am writing you about:

I am writing this letter to your office to see
if I can send "Two" legal mail documents envelope's.

I am incarcerated and do not have any fund's on
my account so that make me a indigent Inmate.

Will you please assist me with these paperwork

DO SOMY
\$ 1.98

Property Release Request

I Authorize The Release Of The Items Of Property Listed Above

TO: (NAME)

(Their Signature)

(Inmate's Signature)

(Persons ID #)

Property Released By:

(Badge #)

(Date & Time)

Do Not Write Below This Line

JAIL FORM 12/94

EXHIBIT U

JAIL
DIVISIONMARIN COUNTY SHERIFF'S DEPARTMENT
PRISONER GRIEVANCE

Prisoner's Name	<u>HERNAN HERNANDEZ (3.)</u>	Bkg. #	<u>1</u>	Housing A/S	<u>1</u>
Received From Prisoner:	<u>Day FRI</u>	Date	<u>05-09-03</u>	Time	<u>2145</u>
		Deputy	<u>FLOYD 1572</u>	Team	<u>K1</u>

Details of Grievance (Do not write on backside) The reason why I am writing this a grievance form is because I have try many time to send out "LEGAL Documents" but The "Prisoner Services" have "REFUSE" to send out my mail because I was a "INDIGENT" inmate. The "CONSTITUTIONAL LAW" say I have the right's to access to the courts" (U.S. Const., amend. XIV [Wolff v. Mc Donnell (1974) 412 U.S. 539, 556, 94 S. Ct. 2963, 41 L. Ed. 2d 935].) And inmate as an "INDIGENT" prisoner the County Jail should take some kind of access [HOFFSTEN V. SUPERIOR COURT OF SAN LUIS OBISPO (1999) 74 Cal. App. 4th 136, 642-144, 97 Cal. Rptr. 2d 197]. And "County Jail or Prisoner Services" should not delay "LEGAL MAIL" (see Esparte Hull (1940) 312 U.S. 546, 549, 61 S. Ct. 640, 75 L. Ed. 1034); Please send:

(Do not write below this line)

If you do not receive a reply within seven days, direct a letter to the JAIL COMMANDER, MARIN COUNTY JAIL, Civic Center San Rafael, CA 94903

Response
Line Officer: Name MFLOYD1572 Team A Date 05-09-03
REFER TO PRISONER SERVICES

LEVEL I

Response
Shift Sgt.: Name _____ Team _____ Date _____

LEVEL II

Requires
Response: _____ Classification _____ Medical _____ Food Services _____ Other: _____

LEVEL III

Response
Jail Cmdr. (Final Disposition) _____
Facility Commander _____ Date _____

Distribution:
White - Admin Canary - Prisoner (Final Disposition) Pink - Prisoner (Initial Receipt)

EXHIBIT V

MARIN COUNTY JAIL

Inmate Request Form

DS12

Route to: (circle one or use blank space to write in their name)

1. Housing Sergeant

2. Booking Sergeant

3. Prisoner Services

4. Inmate Programs

5. Probation

6. Public Defender

7. Education

8. (other) _____

From: Homer HawkinsLAR#: 0125988Pod & Bed # or (Cell #) lock down #5

I am writing you about:

I would like to see if I could have
a couple of copy to send to the "SUPREME COURT".

These are copy of "COURT OF APPEAL", SUPERIOR
COURT".

I am a "INDIGENT", person

(~~3 copies of 3 pages each~~)

~~NO ATTORNEY FEE~~
~~OK TO COUNSEL FEE~~

Property Release Request

I Authorize The Release Of The Items Of Property Listed Above

TO: (NAME)

(Their Signature)

(Inmate's Signature)

(Persons ID #)

Property Released By:

(Badge #)

(Date & Time)

Do Not Write Below This Line

Sorry we do not zero

P/S
JAIL FORM 12/94

EXHIBIT W

JAIL
DIVISIONMARIN COUNTY SHERIFF'S DEPARTMENT
PRISONER GRIEVANCE

Prisoner's Name HOMER HAWKINS Bkg. # Lockdown 1 A/s Housing A/s
 Received From Prisoner: Day SAT Date 5-17-03 Time 0600 Deputy SDA Roman Team C

Details of Grievance (Do not write on backside) The reason why I am writing this
Grievance is because I have try many time to request for copy and the
responss would be that "SORRY WE DO NOT 2EROX". Plus I have
requestd to take money off my account if need. But no answer
to give me. Even when I was a "INDIGENT" Inmate I thought
the "Prisoner Services" people was suspose to help out people with no
fund on their account in need of copy of "LEGAL WORK'S".
But still "NO".

I IS NOT FOR THE OFFICER TO MAKE COPY

(Do not write below this line)

If you do not receive a reply within seven days, direct a letter to the JAIL COMMANDER, MARIN COUNTY JAIL, Civic Center San Rafael, CA 94903

Response Line Officer: Name SDA Roman 1302 Team "C" Date 5-17-03
REFER TO PRISONER SERVICES.

Response Shift Sgt.: Name _____ Team _____ Date _____

Requires Response: _____ Classification _____ Medical _____ Food Services _____ ☒ Other: PRISONER SERVICES.

Response Jail Cmdr. (Final Disposition) _____

Facility Commander _____ Date _____

Distribution:
White - Admin

Canary - Prisoner (Final Disposition)

Pink - Prisoner (Initial Receipt)

EXHIBIT X

JAIL
DIVISIONMARIN COUNTY SHERIFF'S DEPARTMENT
PRISONER GRIEVANCE

Prisoner's Name HOMER E. HAWKINS (3.) Bkg. # LOCK DOWN Housing 6
 Received From Prisoner: Day MON Date 1-20-03 Time 1853 Deputy TRIPP #1502 Team B

Details of Grievance (Do not write on backside) THE Reason why I am writing this grievance is because I have focus on a violation of my "ATTORNEY & Defendant", privacy rights. Last week my attorney came and saw me about represented defense; But when the light's started going on and off I turn my head & realize that a "CAMERA", was watching or viewing our consultation talk's. Defendant Various constitutional bases support provide these right's "Under U.S. Const., amend. VI, "right to absolute privacy [In re Qualls (1943) 57 Cal. App. 2d 330, 331, 136 P. 2d 341]."

(Do not write below this line)

If you do not receive a reply within seven days, direct a letter to the JAIL COMMANDER, MARIN COUNTY JAIL, Civic Center San Rafael, CA 94903

Response Line Officer: Name DEP. TRIPP #1502 Team B Date 1-20-03

ARTICLE 151 STATES YOU ARE ENTITLED "CONFIDENTIAL CONSULTATION WITH ATTORNEYS". THIS IS GIVEN TO ALL INMATES DURING THEIR VISITATIONS WITH ATTORNEYS.

THE CAMERAS ARE TO MONITOR YOUR BEHAVIOR AND KNOW WHEN VISITS ARE OVER TO EXIT INMATES FROM THE
 Shift Sgt.: Name VISITING ROOMS Team _____ Date _____

Requires Response: _____ Classification _____ Medical _____ Food Services _____ Other: _____

Response Jail Cmdr. (Final Disposition) _____

Facility Commander _____ Date _____

Distribution: White - Admin Canary - Prisoner (Final Disposition) Pink - Prisoner (Initial Receipt)